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 Oracle USA, Inc., Oracle America, Inc., and  
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UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
 ORACLE AMERICA, INC., a Delaware  
 corporation; and ORACLE INTERNATIONAL  
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
 SETH RAVIN, an individual,

Defendants.

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CASE NO. 2:10-cv-0106-LRH-PAL

**PLAINTIFFS ORACLE USA, INC.,  
 ORACLE AMERICA, INC., AND  
 ORACLE INTERNATIONAL  
 CORPORATION'S MOTION TO ADMIT  
 PTX 2140**

1 Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation  
 2 (together, "Oracle") move to admit PTX 2140. The two pages at pages 46 and 47 demonstrate  
 3 that on October 25, 2007, Rimini told a prospective customer the following:

- 4 1. Oracle filed a lawsuit against TomorrowNow
- 5 2. SAP AG's CEO admitted wrongdoing by the TomorrowNow
- 6 3. SAP AG demoted TomorrowNow CEO
- 7 4. SAP AG's CEO began an internal investigation of TomorrowNow
- 8 5. DOJ was investigating TomorrowNow

9 PTX 2140 is dated three weeks *before* PTX 30, which was admitted. Oracle proposes to  
 10 admit the PTX 2140 with the redactions to omit references to the DOJ investigation of  
 11 TomorrowNow, as shown in the attached. Oracle will not reference the DOJ investigation, nor  
 12 will it reference any subsequent developments in either TomorrowNow case – no reference to the  
 13 admission of liability, the jury verdict, or the criminal plea.

14 Oracle will address only what Defendants told a customer shortly after Mr. Ravin's  
 15 departure from TomorrowNow.

16 This evidence is admissible in Oracle's case in chief because it is now apparent,  
 17 including from Defendants' opening statement, that their trial presentation will focus on  
 18 knowledge and intent. *Riverwoods Chappaqua Corp. v. Marine Midland Bank, N.A.*, 30 F.3d  
 19 339, 345 (2d Cir. 1994) ("the door was already open" because defendant denied "in its answer to  
 20 the complaint and in its opening statement . . . that it intended to extort" the plaintiffs); *see also*  
 21 *United States v. Caputo*, 808 F.2d 963, 968 (2d Cir. 1987) (evidence of prior acts admissible on  
 22 case-in-chief if "it is apparent that intent will be in dispute").

23 DATED: September 16, 2015

BOIES SCHILLER & FLEXNER LLP

24  
 25 By: /s/ Kieran P. Ringgenberg

Kieran P. Ringgenberg  
 Attorneys for Plaintiffs  
 Oracle USA, Inc., Oracle America, Inc., and  
 Oracle International Corp.

**Comparison: Rimini Street vs. TomorrowNow**

The primary differences between Rimini Street and TomorrowNow are summarized in the following table:

Area of Comparison	TomorrowNow Support	Rimini Street Support
<b>Support Program Scope &amp; Features</b>	<p>TomorrowNow Support Services for PeopleSoft was a second-generation program co-founded in 2002 by Seth Ravin to provide a replacement for current vanilla vendor maintenance services.</p> <p>Today, TomorrowNow still offers the same basic services included in standard vendor support programs, including break/fix support and tax and regulatory updates.</p>	<p>Rimini Street is a third-generation premium program founded by Seth Ravin to deliver a wider scope of enterprise software support services compared to a standard maintenance program.</p> <p>In addition to break/fix support and tax and regulatory updates, Rimini Street Support Services include the following critical services at no additional support cost:</p> <ul style="list-style-type: none"> <li>• <u>Customizations</u> - Rimini Street provides break/fix support for all application code, including all application customizations.</li> <li>• <u>Interoperability</u> - Rimini Street provides support for integration and interfaces to ensure PeopleSoft systems continue working in concert with other applications.</li> <li>• <u>Performance</u> - Rimini Street provides support and guidance for potential performance issues.</li> </ul>
<b>Software Vendor Affiliation</b>	<p>TomorrowNow is a wholly-owned subsidiary of SAP and subject to the operating strategies and objectives of SAP.</p> <p>*** TomorrowNow/SAP has been sued in a recent lawsuit filed by Oracle Corporation on March 22, 2007. The lawsuit alleges violations of the Federal Computer Fraud and Abuse Act, Copyright Infringement (over 10,000 instances), Intentional and Negligent Interference and Civil Conspiracy.</p> <p>In July 2007, SAP AG CEO admitted wrongdoing by TomorrowNow, demoted CEO and launched internal investigation alongside DOJ probe.</p> <p>SAP is aggressively pursuing PeopleSoft users for migration to SAP products.</p> <p>TomorrowNow offers a Safe Passage program coordinated with SAP and designed to offer incentives and assistance for eventually migrating PeopleSoft users to SAP products.</p>	<p>Rimini Street is an independent, vendor-neutral support services company focused exclusively on the long-term support and maintenance needs of its PeopleSoft clients.</p> <p>Rimini Street provides impartial advice regarding release upgrades, support strategies, and even impartial potential migration pros and cons for different vendor technologies from a variety of vendors.</p> <p>Rimini Street does not offer any migration programs to other vendor products, does not share client information with any software company, and does not coordinate migration strategies with any software company.</p>



<b>Tax &amp; Regulatory Updates</b>	<p>TomorrowNow provides tax &amp; regulatory updates developed internally.</p> <p>TomorrowNow's most experienced tax &amp; regulatory scoping and design architect, manager of technology engineers, and other senior personnel recently moved to Rimini Street.</p>	<p>Rimini Street provides tax &amp; regulatory updates developed internally.</p> <p>Rimini Street's tax &amp; regulatory experts have experience successfully developing and delivering more than 600 tax &amp; regulatory update packages processing millions of transactions and billions of dollars.</p>
<b>Management Team</b>	<p>CEO recently demoted by SAP Chairman, and now reports to new "Executive Director" appointed by SAP AG</p> <p>Other terminations and suspensions announced by SAP AG as their internal investigation and DOJ investigation into TomorrowNow operations continues</p>	<p>Seth Ravin is industry pioneer with excellent reputation for client satisfaction and service delivery.</p> <p>Rimini Street continues to hire the best and most experienced executives and staff in the industry. Top TomorrowNow personnel continue making the move to Rimini Street to be part of its innovative service offering.</p>
<b>Contact with Oracle Software</b>	<p>SAP AG, in response to the Oracle lawsuit, is seeking to distance its wholly-owned TomorrowNow systems and personnel from physical contact with Oracle software products to try and further assure no "cross contamination with SAP products"</p> <p>To achieve this objective, TomorrowNow will force clients to host their own test environments or use a third party hosting operation to make sure no TomorrowNow employees have direct contact with Oracle software.</p> <p>TomorrowNow will only assist with very limited downloads of updates &amp; fixes</p>	<p>Rimini Street continues, as always, to work directly with Oracle software.</p> <p>Since Rimini Street does not build or sell competitive software products to Oracle, Rimini Street is free of any "cross contamination" complexities or issues.</p> <p>Rimini Street hosts all development and test environments for each client it services.</p> <p>Rimini Street downloads extensive library of software updates and fixes available to clients</p>